

### REMARKS

Claims 1, 4-6, 8, 9, and 11-15 are now pending in this application for which applicant seeks reconsideration.

#### Amendment

Claims 1, 6, 9, 12, and 15 have been amended to further improve their form. Independent claims 1 and 9 further have been amended to delete the copying, reading, and amending aspects to overcome the § 112 rejection. Moreover, independent claims 1 and 9 have been amended to clarify the contents are downloaded to each of the information processing terminals associated with the user. See paragraphs 39-40 of the published application (USPGP 2004/0064380). That is, the same contents requested by the user are downloaded from the server (e.g., SV) to a plurality of terminals (e.g., PCa1, PCa2) associated with the user. No new matter has been introduced.

#### §112 Rejection

The examiner objected to the specification and rejected the claims because the examiner believes that the original specification does not provide support for the language "a server controlling section that ... copies the downloaded contents **from one of the information processing terminals** to the external apparatus or recording medium" as set forth in claim 1 and similarly set forth in claim 9.

To overcome this rejection, the copying, reading, and amending features of the server controlling section. Applicant submits that the present amendment overcomes the § 112 rejection.

#### Art Rejection

All pending claims 1, 4-6, 8, 9, and 11-15 were rejected under 35 U.S.C. § 102(b) as anticipated by Nozaki (USPGP 2002/0036800). In maintaining the same art rejection, the examiner continues to assert that Nozaki discloses a server that keeps track of copy count and changing the stored value representing the copy count unit it reaches zero, relying on paragraphs 62, 63, 105-107, 113, 207, 212, and 213. The examiner further asserts that the server can carry out the claimed sending function, relying on paragraphs 100, 113, 141, and 146.

First, as to the examiner's allegation that the last reply fails to comply with Rule 111(b), 11(c), applicant submits that the previous arguments set forth in the last reply, namely that (1) the examiner failed to establish how Nozaki anticipates the claims, and (2) the examiner failed

to explain how Nozaki's passages relied upon by the examiner discloses (a) the claimed permission-request sending feature and (b) the server changing the count information or keeping track of copy count information or the PC sending the count information to the server each time the already downloaded music contents is copied to an external apparatus or recording medium, fully comply with Rules 111(b) and 111(c).

Second, applicant incorporates the previous arguments set forth in the last reply, and submits that Nozaki would not have anticipated or taught at least claimed features (a) and (b) identified above within the meaning of § 102 and § 103 for the reasons set forth in the last reply.

Third, applicant submits that Nozaki further would not have taught the following claimed features:

- (c) storing together with the contents, user information for the user, including user ID information **representing a plurality of information processing terminals belonging to the user**; and
- (d) contents supplying server apparatus that supplies contents to each of the information processing terminals associated with the user.

Independent claims 1 and 9 now explicitly call for downloading contents to each of the information processing terminals associated with the user. Specifically, the contents supplying server apparatus stores information identifying a plurality of information terminals assigned to a particular user as well as copy control data that limits the number of times contents downloaded to the information terminals can be copied to external devices or mediums connected to the information terminals. The contents that the user seeks are downloaded from the server to each of the information terminals. When the user copies the contents from any one of the information terminals associated with the user to an attached external device or recording medium, the respective information terminal receives the copy control data from the contents supplying server apparatus. With the copy control data, the respective information terminal can make a copy. If a copy is made, the contents supplying server apparatus decrements the number of copies allowed.

In contrast, Nozaki merely discloses downloading the requested contents to a single PC, and the PC then manages distribution and copy limitations, without the server involvement. Accordingly, in addition to features (a) and (b) identified above, applicant submits that Nozaki also would not have disclosed or taught features (c) and (d) identified above.

Conclusion

For the foregoing reasons, applicant submits that the pending claims distinguish over Nozaki and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

17 DECEMBER 2010

DATE

/Lyle Kimms/

LYLE KIMMS, REG. NO. 34,079

20609 GORDON PARK SQUARE, SUITE 150  
ASHBURN, VA 20147  
703-726-6020 (PHONE)  
703-726-6024 (FAX)  
LYLEKIMMS@RKMLLP.COM (EMAIL)